

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHEET METAL WORKERS LOCAL 265)	
WELFARE FUND, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 08 C 1712
)	
TAMARACK HEATING & COOLING, INC.,)	JUDGE RUBEN CASTILLO
an Illinois corporation,)	
)	
Defendant.)	

AFFIDAVIT

STATE OF ILLINOIS)
) SS.
COUNTY OF DUPAGE)

SCOTT P. WILLE, being first duly sworn upon his oath, deposes and says:

1. That he is Administrator and/or Authorized Agent of the SHEET METAL WORKERS LOCAL 265 WELFARE FUND, SHEET METAL WORKERS LOCAL 265 PENSION FUND, SHEET METAL WORKERS LOCAL 265 SAVINGS FUND, SHEET METAL WORKERS LOCAL 265 EDUCATIONAL FUND, SHEET METAL WORKERS LOCAL 265 INDUSTRY FUND and SHEET METAL WORKERS LOCAL 265 SUPPLEMENTAL RETIREMENT PLAN.

2. That he has read the Complaint filed in this cause, and knows of his own personal knowledge the contents of the collective bargaining agreements and Agreements and Declarations of Trust and all facts alleged therein, and if called and sworn as a witness is competent to testify thereto.

3. That he is charged with keeping and maintaining records of contributions received by the Plaintiff Funds, maintains individual records on each person, firm and corporation required to make contributions to said Plaintiff Funds, receives and records contribution reports made by such persons, firms or corporations, and has under his supervision and direction all books, records, documents and papers relating to such Plaintiff Funds.

4. That he has examined the account of Defendant in the above-entitled cause, and states that said Defendant:

- (a) is required to make monthly contribution reports under the terms of the aforesaid collective bargaining agreement;
- (b) has failed to submit all monthly contribution reports due to date;
- (c) has submitted monthly contribution reports for the months of November 2007 through January 2008, but has failed to submit the contributions which it acknowledges therein to be due in the total amount of \$418,443.36.

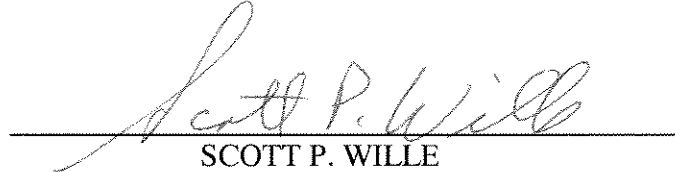
(Copies of the monthly fringe benefit contribution reports submitted by Defendant for November 2007 through January 2008 are attached hereto).

5. That pursuant to the Trust Agreements he has assessed a liquidated damages surcharge against the Defendant in the amount of ten (10%) percent of all contributions due and unpaid and all contributions which were paid late, for the months of November 2007 through January 2008, in the total amount of \$41,844.33.

6. That he is duly authorized by Plaintiffs in this behalf, has personal knowledge of the matters set forth above and if called as a witness in this cause is competent to testify thereto.

7. That he makes this Affidavit in support of the application of Plaintiffs for default and judgment and requests this Court to consider the same as proof in support of the allegations contained in the Complaint of the Plaintiffs and such other facts herein set forth.

FURTHER AFFIANT SAYETH NOT.


SCOTT P. WILLE

SUBSCRIBED AND SWORN
TO before me this 23rd
day of April, 2008.


NOTARY PUBLIC



F:\265J\Tamarack Heating\2008\wille affidavit.jdg.df.wpd

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Affidavit of Scott P. Wille) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 29th day of April 2008:

Mr. Matthew G. Bertani, Registered Agent
Tamarack Heating & Cooling, Inc.
71 129th Infantry Drive
Joliet, IL 60436

/s/ Jennifer L. Dunitz-Geiringer

Jennifer L. Dunitz-Geiringer
Attorney for Plaintiffs
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 West Adams Street, Suite 2200
Chicago, IL 60606-5231
Bar No.: 6237001
Telephone: (312) 236-4316
Facsimile: (312) 236-0241
E-Mail: jdunitz.geiringer@baumsigman.com

FEB-14-2008 01:10PM

FROM-TAMARACK HEATING AND COOLING

+1 815 439 3475

T-863 P.010/013

F-778

UNIFORM FRINGE BENEFIT REMITTANCE REPORT

DATE:
01/31/08

200355

ACCOUNT#

TAMARACK
HEATING & CLG

INITIALS	LAST NAME	HOURS		TAXABLE GROSS WAGES	H&W, PENSION, MISC. CONTRIBUTIONS	IA WORK ASSESS
		REGULAR	O/T @ 1 1/2			
F	BERARDI	24	2	\$1,039.77	410.62	1.04
J	BOOK	88		\$3,388.88	1,387.76	3.52
MT	BUSHELL	80		\$3,600.00	1,261.80	3.20
LT	CALDWELL	81	1	\$4,943.57	1,577.00	4.00
PC	CARLSON	136		\$5,237.36	2,144.72	5.44
JM	CASTLEMAN	86		\$3,388.88	1,387.76	3.52
ML	COLE	133		\$5,121.83	2,087.41	5.32
JK	GERGONE	65 3/4	3 1/2	\$2,227.27	1,082.07	2.77
J	GRIFFIN	182 3/4	46 1/2	\$10,339.95	3,741.43	9.49
JT	HILL	129	8 1/2	\$8,132.72	2,316.31	5.86
LH	HOTZ	138 1/2	31 3/4	\$8,313.36	2,921.39	7.41
BC	JUNGELS	148	13	\$8,450.43	2,638.97	6.44
BJ	JURICIC	32	1	\$1,100.51	520.41	1.32
GJ	LADOUCEUR	128		\$5,121.28	2,018.56	5.12
BJ	LEONARD	138 1/2	22 1/2	\$7,288.03	2,673.02	6.78
MJ	LEWIS	166		\$6,489.88	2,649.36	6.72
AL	LINDSTRAND	171 3/4	22 3/4	\$8,187.84	3,122.46	7.92
J	LSY	112		\$4,313.12	1,786.24	4.48
DM	MAGOLAN	144	1 1/2	\$5,832.09	2,294.84	5.82
KJ	MCCAULEY	189 1/2	54	\$11,872.41	3,989.81	10.12
JM	MILLER	38	3	\$1,636.68	646.67	1.64
TB	MILLER	144		\$6,013.44	2,270.88	6.76
JA	MINOTT	144	2 1/2	\$6,467.89	2,310.31	5.86
JR	MIRABAL	91 1/4	3D 1/4	\$6,706.56	2,211.74	5.61
E	MIRAVETE-CRUZ	177		\$6,816.27	2,791.29	7.08

121410

F-778

J	OZOZO
CM	PEARSON
MP	PIPER
RR	REDELL
WR	REICHERT
RJ	REIDENGA
DJ	REINBACHER
MIR	REMICK
SR	SAVAGE
F	SCARPELLI
SS	SEBBY
RR	SEIFERT
DR	SHEEHAN
JM	SHIELDS
MJ	SHIELDS
RE	SHIELDS
JS	SINADNOS
TD	STOGSDILL
TT	SULA
RM	TRAINOR
WJ	ZIMANNI
MA	KAMINSKAS
RM	KAMINSKAS

[illegible]

T-263 P.013/013 F-778

[illegible]

FEB-14-2008 01:00PM

FROM-TAMARACK HEATING AND COOLING

+1 815 430 3475

T-963 P.006/013 F-770

UNIFORM FRINGE BENEFIT REMITTANCE REPORT

200355

ACCOUNT#

TAMARACK
HEATING & CLGDATE:
12/31/07

INITIALS	LAST NAME	HOURS		TAXABLE GROSS WAGES	H&W, PENSION, MISC. CONTRIBUTIONS	IA WORK ASSESS
		REGULAR	O/T @ 1 1/2			
F	BERARDI	120	20	\$5,778.51	2,287.80	5.60
J	BOOK	133		\$5,121.83	2,097.41	5.32
MT	BUSHELL	128		\$5,780.00	2,018.56	5.12
LT	CALDWELL	127 1/2	18 3/4	\$7,208.19	2,548.88	6.46
PC	CARLSON	144	10	\$5,545.44	2,270.88	5.76
JM	CASTLEMAN	144		\$5,123.10	2,428.58	6.16
ML	COLE	144		\$5,545.44	2,270.88	5.76
JK	GERCONE	138 3/4	22 1/2	\$5,521.12	2,570.51	6.52
J	GRIFFIN	146	35 3/4	\$7,887.57	2,886.20	7.27
JT	HILL	107	21	\$6,257.89	2,207.80	5.60
LH	HDZ	147 3/4	24 1/2	\$7,105.09	2,716.38	6.89
BC	JUNGELS	136	16	\$6,277.14	2,428.68	6.16
BJ	JURICIC	118	8	\$4,255.38	1,971.25	5.00
GJ	LADOUCEUR	120		\$4,801.20	1,892.40	4.80
BJ	LEONARD	132	14 1/2	\$5,920.92	2,316.31	5.86
MJ	LEWIS	144		\$5,545.44	2,270.88	5.76
AL	LINDSTRAND	148	40	\$8,972.83	2,964.76	7.52
J	LISY	24		\$824.24	378.48	7.52
DM	MAGOLAN	127	4	\$5,121.84	2,065.87	5.24
KJ	MCCAULEY	149	44	\$9,389.27	3,138.23	7.96
JM	MILLER	131 1/2	10	\$5,841.73	2,231.46	6.86
TB	MILLER	144		\$6,013.44	2,270.88	5.76
JA	MINOTT	137	11	\$5,428.80	2,333.96	5.92
JR	MIRABAL	143 1/2	9 1/4	\$5,060.52	2,408.87	6.11
E	MIRAVEITE-CRUZ	144		\$5,545.44	2,270.88	5.76

127408

FEB-14-2008 01:09PM

FROM-TAMARACK HEATING AND COOLING

+1 815 438 3475

T-863 P.008/013 F-778

TOTALS >	6250 1/4	378 1/4	37	262179.46	104996.66	278.62
----------	----------	---------	----	-----------	-----------	--------

FEB-14-2008 01:09PM

FROM-TAMARACK HEATING AND COOLING

+1 815 438 3475

T-863 P.009/013

F-778

TOTAL HOURS REPORTED

0.00

6663 1/2 6663 1/2 160

CONTRIBUTION RATE PER HOUR

0.43	0.21	4.19	4.26	7.30	0.82	0.21	0.80	0.04
------	------	------	------	------	------	------	------	------

AMOUNT DUE

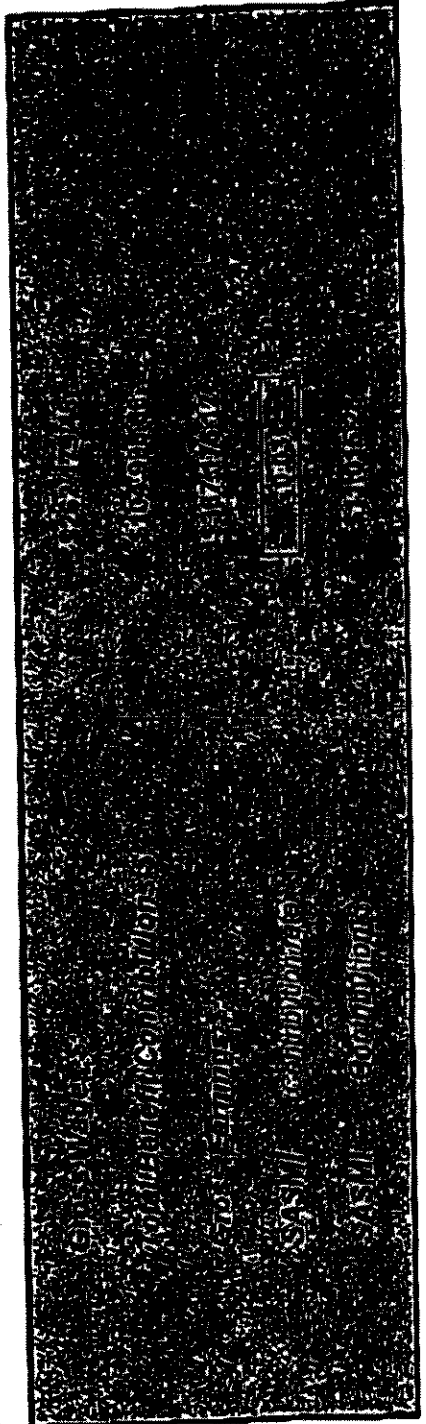
\$2,865.31	\$1,432.94	\$28,596.47	\$28,899.88	\$49,811.55	\$5,464.07	\$1,398.34	\$5,330.80	204.71
------------	------------	-------------	-------------	-------------	------------	------------	------------	--------

NATIONAL BENEFIT FUNDS

TOTAL AMOUNT \$15,315.32

LOCAL FUNDS

TOTAL AMOUNT \$119,800.80



UNIFORM FRINGE BENEFIT REMITTANCE REPORT

DATE:
11/30/07

TAMARACK ACCOUNT# 200355
HEATING & CLG

INITIALS	LAST NAME	HOURS			TAXABLE GROSS WAGES	H&W, PENSION, MISC. CONTRIBUTIONS	IA WORK ASSESS
		REGULAR	OT @ 1 1/2	OT @ 2			
F	BERARDI	176	16 1/2		\$7,730.89	3,036.72	6.78
J	BOOK	79			\$3,042.28	1,245.83	
MT	BUSHELL	184			\$8,280.00	2,801.68	5.62
LT	CALDWELL	141 1/4	11 1/2		\$6,463.95	2,408.87	4.58
PG	GARLSON	175			\$6,739.25	2,788.75	5.25
JM	CASTLEMAN	152	17 1/2		\$8,884.41	2,873.02	6.09
MI	COLE	171			\$6,688.21	2,688.67	6.13
JK	GERCONE	188 1/2	20 1/2		\$8,877.88	3,285.93	8.27
J	GRIFFIN	184	46	5 1/2	\$10,486.64	3,713.94	7.07
JT	HILL	187	21 1/2		\$8,443.34	3,288.05	6.28
LH	HOTZ	186	41 3/4	5 1/4	\$9,208.71	3,369.01	6.38
BO	JUNGELS	191	18 1/2		\$8,308.54	3,272.28	6.23
BJ	JURICIC	149	13		\$5,780.09	2,564.74	4.88
GJ	LADOUCEUR	175			\$7,801.75	2,788.75	5.25
BJ	LEONARD	183	45	8	\$10,262.93	3,721.72	7.93
MJ	LEWIS	188			\$7,239.88	2,884.78	5.64
AL	LINDSTRAND	191 1/2	58 3/4		\$10,768.37	3,846.44	7.51
DM	MAGOLAN	181	8		\$7,488.20	2,898.38	5.70
KJ	MCCAULEY	192	65		\$11,872.40	4,852.88	7.71
JM	MILLER	177 1/2	13		\$7,586.48	3,004.18	5.72
TB	MILLER	188			\$7,850.88	2,984.78	5.84
JA	MINOTT	168	11		\$6,376.55	2,791.29	5.31
JR	MIRABAL	189 3/4	36 3/4		\$9,430.13	3,571.91	6.80
E	MIRAVETE-CRUZ	192			\$7,383.92	3,027.84	5.78
J	OROZCO	181 1/4	41 3/4		\$9,776.73	3,574.41	6.99

127407

0

FEB-14-2008 01:08PM FROM-TAMARACK HEATING AND COOLING

+1 815 439 3475

T-863 P.005/013

F-778

TOTAL HOURS REPORTED

0.00

8631 1/2 8631 1/2 8631 1/2 200

CONTRIBUTION RATE PER HOUR

0.43	0.21	4.19	4.25	6.90	0.52	0.21	0.80	0.83
------	------	------	------	------	------	------	------	------

AMOUNT DUE

\$3,688.55	\$1,833.62	\$36,584.99	\$37,108.88	\$80,247.35	\$6,996.83	\$1,791.62	\$6,825.20	281.95
------------	------------	-------------	-------------	-------------	------------	------------	------------	--------

NATIONAL BENEFIT FUNDS
TOTAL AMOUNT DUE \$15,888.58

LOCAL FUNDS
TOTAL AMOUNT DUE \$11,416.80

11/32/11

RECEIVED
TAMARACK HEATING AND COOLING
CONTRIBUTION
\$15,888.58
\$11,416.80